IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

Bail Appl..No. 2222 of 2007()

CRIME NO. 197 OF 2007 OF KUNDARA POLICE STATION

.....

PETITIONER/ACCUSED

DAVID FERNANDEZ @ ROSHAN,
S/O.JOSEPH ANTONY, I.J.NEW NEST,
PUNNATHALA WARD, THIRUMULLAVARAM,
KOLLAM.

BY ADV. SRI.B.S.SIVAJI

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 2222 of 2007

DATED: 12-04-20072007

O R D E R

Petitioner who is the accused in Crime No. 197 of 007 of Kundara Police Station for offences punishable under Sections 376 I.p.C. and Section 3 (1) (xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had committed rape of the 22 year old victim belonging to the Scheduled caste after getting her consent of sexual intercourse on promise to marry her. The occurrence is alleged to have taken place on 2-8-2006.

3. The learned Public Prosecutor opposed the application.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for the purpose of interrogation and then to have his application for bail considered by the Magistrate having jurisdiction. Accordingly, the petitioner shall surrender before the investigating officer on any day between **19-4-2007 and 21-04-2007** for the purpose of interrogation and potency test. The petitioner shall thereafter be produced on the same day

before the Magistrate who shall consider his application for regular bail preferably on the same date on which such application is filed.

This petition is disposed of as above.

V.RAMKUMAR, JUDGE

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